

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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In re: Application of OWL SHIPPING LLC & :
ORIOLE SHIPPING LLC for an Order Pursuant :
to 28 U.S.C. § 1782 to Conduct Discovery for :
for Use in Foreign Proceedings : No. _____
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**EX PARTE APPLICATION PURSUANT TO 28 U.S.C. § 1782
TO CONDUCT DISCOVERY FOR USE IN A FOREIGN PROCEEDING**

Applicants, Owl Shipping, LLC and Oriole Shipping, LLC, through their attorneys, Tisdale Law Offices, LLC, hereby move this Honorable Court for an ex parte order pursuant to 28 U.S.C. § 1782 directing Dalian Suntime International Transportation (USA) Inc., Suntime America Inc., and Magic Sun, persons with offices and / or places of business within this Judicial District to appear for a deposition and produce documents for use in a foreign proceeding. Specifically, these documents are for use in a London Maritime Arbitrators Association (“LMAA”) proceeding. The subjects of the discovery sought are detailed in the proposed subpoenas attached hereto as Exhibit 1.

Applicants respectfully request that the Court order the production of documents specified in Exhibit A to the subpoenas, unless otherwise agreed by the parties, on or before September 17, 2014, and that the Respondents Magic Sun, Dalian Suntime International Transportation (USA) Inc., and Suntime America, Inc. produce a representative who can provide testimony on the subjects identified in the proposed subpoenas attached as Exhibit 1 on September 22, 2014.

In further support of this Application, Applicants submit simultaneously herewith a Supporting Memorandum of Law and the Declaration of Sally-Ann Underhill, an English Solicitor with personal involvement in the commenced arbitration proceedings in London, England for which discovery is sought in this current Application.

Dated: September 10, 2014

By: /s/Timothy J. Nast
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LOCAL CIVIL RULE 11.2 CERTIFICATION

I hereby certify that discovery in aid of foreign proceedings is not the subject of any other pending court action, or of any pending arbitration or administrative proceeding, and that at this time Applicants are not aware of any other parties that should be joined in this matter. As discussed in the memorandum and accompanying documents, the underlying claims for which discovery is sought are being arbitrated in London, England. I certify that the foregoing statements by me are true and correct to the best of my knowledge, information and belief. I am attorney for the Applicants and am making this certification because the Applicants are not located within this judicial district.

Dated: September 10, 2014

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